



IN THE SUPREME COURT OF THE STATE OF MONTANA
THE OFFICE OF THE CLERK OF SUPREME COURT
HELENA, MONTANA 59620-3003

October 20, 2009

RE: District Court Case No: BDV 04-596

NOTICE OF FILING

Supreme Court No.
DA 09-0510

STATE OF MONTANA, EX REL. DEPARTMENT
OF ENVIRONMENTAL QUALITY,

Plaintiff and Appellant,

v.

BNSF RAILWAY COMPANY, and SWANK ENTERPRISES

Defendant, Appellee and Cross-Appellant.

Notice of Cross Appeal was filed on October 13, 2009 and docketed under the above Supreme Court case number.

PLEASE NOTE the time for filing the appellant's opening brief has NOT yet begun. Another notice will be sent when this office receives the district court record, the filing of which initiates the briefing schedule pursuant to the Montana Rules of Appellate Procedure.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ed Smith", is written over a horizontal line.

ED SMITH
Clerk of the Supreme Court